GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:1475
ANSWERED ON:08.12.2015
Criminal Justice System
Jayadevan Shri C. N.

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that the statistics of the National Crime Records Bureau for 2014 has confirmed that India"s criminal Justice system remains grossly inefficient and blatantly prejudiced against the minorities and poor considering the fact that majority of the jail inmates are undertrials and 70 per cent of those convicted are illiterate; and

(b) if so, the details thereof and the action taken in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a) to (b): As per data compiled by the National Crime Records Bureau (NCRB) at the end of 2014, there were 2,82,879 undertrials in the jails of the country, which constitute 67.6% of the total inmates.

"Prisons"is a State subject as per Entry 4 of List II of the Seventh Schedule to the Constitution of India. Therefore, the administration and management of prisons is primarily the responsibility of the State Government. However, the Government of India has issued a comprehensive advisory on 17th July 2009 to the State/UTs on "Prison Administration", which provides for steps to be taken by the State/UTs for providing free legal aid to undertrials, setting up of Lok Adalats/Special courts in prison for expediting review up of cases of undertrials. The same may be downloaded from the website of the Ministry of Home Affairs at the following Links:

http://mha1.nic.in/PrisonReforms/pdf/PrisonAdmin17072009.pdf

In addition, an advisory has been issued by the Government of India on 17.01.2013 to the States/UTs regarding use of section 436A of the Cr P.C. to reduce the overcrowding of prison which provides for release of undertrials who have completed one half of likely sentence and for old and indigent prisoners to be released on bail instead of personal bond with or without sureties. The same can also be accessed on the website of the Ministry of Home Affairs at the link:
http://mha1.nic.in/PrisonReforms/pdf/AdvSec436APrisons-060213_0.pdf
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